

December 2, 2008

TO: Teresa Parsons  
Director's Review Program Supervisor

FROM: Meredith Huff, SPHR  
Director's Review Investigator

SUBJECT: Rheba Harp vs. Lower Columbia College (LCC)  
Allocation Review Request ALLO-07-108

#### **Director's Review Conference**

Ms. Rheba Harp requested a Director's Review of her position's allocation by submitting an Appeal form on November 5, 2007. The time period for the review is the six months prior to July 18, 2007.

On November 13, 2008, I conducted a Director's review conference by phone. Present by phone were Rheba Harp; Don Barber, Sr. Field Representative and Becky Stevens, Field Representative, WFSE, representing Ms. Harp; Susan Parvey, Human Resources Specialist and Nolan Wheeler, Director of Human Resources Services, representing LCC.

#### **Director's Determination**

As the Director's review investigator, I carefully considered all of the documentation in the file, the class specifications, and the information provided during the Director's review phone conference. Based on my review and analysis of Ms. Harp's assigned duties and responsibilities, I have determined Ms. Harp's position is properly allocated to the classification of Security Guard 1, class code 385K.

#### **Background**

Ms. Harp requested a reallocation by submitting a completed and signed Position Review Request (PRR) to LCC Human Resources on July 18, 2007. (Exhibit 2-A). Ms. Harp proposed that the Campus Security Officer classification would be a better fit for her position. On October 5, 2007, Ms. Parvey issued an allocation determination, indicating Ms. Harp's position was properly allocated to the Security Guard 1 classification. (Exhibit 2-F) On November 5, 2007, Ms. Harp submitted a request for a director's review of LCC's decision. (Exhibit 1-A)

### **Summary of Ms. Harp's Comments**

Ms. Harp is employed at LCC as Security Guard 1. During the phone conference, Ms. Harp stated she is responsible for security work, enforcing rules and regulations, providing assistance and parking on the LCC campus. She explained that her security work involves locking and unlocking doors, alarming and shutting off alarms, entering new security codes and deleting old codes as necessary. She discussed enforcing rules and regulations and gave examples as pointing people who are smoking to the designated smoking areas, filling out reports regarding student misconduct and talking to people who have open alcohol containers. She mentioned that she enforces the Students' Rules and Regulations Handbook for student behavior. Ms. Harp stated that sometimes she does background checks using the FBI records, but could not recall any other federal contact or any federal laws that she enforces. Ms. Harp indicated that she assists people to get into locked cars or does jumpstarts, and provides escort services when requested. Ms. Harp also pointed out that she prepares orders of uniforms and supplies for the Security Office, records electrical meter readings, creates name plates for staff members and offices, enters incident information into the computer and uses that information to prepare required reports, and schedules part-time employees to provide security coverage for the campus. Ms. Harp spoke of her cooperation with a next-door public high school on student smoking, bomb threats, or other incidents that may involve LCC campus.

Ms. Harp stated that she patrols the campus to maintain security, provides assistance to students with needs, handles parking assignments and ticketing. She indicated that she may have to deal with crimes such as on-going theft situations. In that situation, she may recommend to her supervisor that the Media Department set up surveillance cameras to catch the person. She stated that Richard Hamilton, her supervisor, does the follow up on any evidence gathered about the thefts. Ms. Harp revealed that she needs to be aware of registered sex offenders that are on campus and she usually meets with the Vice President about the situation. Ms. Harp pointed out that for medical emergencies, she will call 911 and then works with the medical dispatch. Ms. Harp stated she is trained to use the AED (defibrillator) but there has not been an incident that required its use.

### **Summary of LCC's Comments**

Mr. Wheeler complimented Ms. Harp as being a loved employee on campus and being known for doing good work. He discussed the Campus Security Officer (CSO) classification indicating that the CSO is responsible for enforcing laws. He pointed out the Security Guard at LCC doesn't do that. Mr. Wheeler stated the Security Guard 2 (SG2) classification does lead part time hourly employees in that area. He also confirmed that Ms. Harp does not have final hiring authority or responsibility for taking corrective and disciplinary action for the part-time security employees. Mr. Wheeler verified that final hiring decisions and disciplinary actions of the part-time security staff are approved by Mr. Hamilton and Ellen Peres, VP for Administrative Services, Ms. Harp's first and second level supervisors. (Exhibit 2-C)

When law enforcement is necessary, Mr. Wheeler stated the Longview Police Department (LPD) is called and they come to take care of the situation. For example, Mr. Wheeler stated if a person is observed with an open alcohol container, a call is made to the LPD for assistance. He confirmed that Ms. Harp is not asked to hold or chase people. Mr. Wheeler stated that

surveillance has only been used a maximum of two or three times. In those instances, approval must be obtained from Mr. Hamilton or Mr. Wheeler; there has been no approval for Ms. Harp to do surveillance on her own. Mr. Wheeler stated that Ms. Harp has never had to deal with sex offenders on campus. He also indicated that Ms. Harp received subpoenas to appear in court on two occasions. Mr. Wheeler acknowledged that the day shift has a higher level of responsibility for security with students on campus and there is more administrative work than other shifts.

### **Rationale for Director's Determination**

A position review is neither a measurement of the volume of work performed, nor an evaluation of the expertise with which the work is performed. A position review is a comparison of the duties and responsibilities of a particular position to the available classification specifications. This review results in a determination of the class that best describes the overall duties and responsibilities of the position. See Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

The Personnel Resources Board (PRB) has held the following:

. . . because a current and accurate description of a position's duties and responsibilities is documented in an approved classification questionnaire, the classification questionnaire becomes the basis for allocation of a position. An allocation determination must be based on the overall duties and responsibilities as documented in the classification questionnaire. Lawrence v. Dept of Social and Health Services, PAB No. ALLO-99-0027 (2000).

### **Position Review Request**

On the PRR form, Ms. Harp states the main reasons for her position are to: "Perform general security work to protect life and property by enforcing institution rules and regulations, maintain a safe work environment, and prevent and investigate crime. Enforcing campus parking by writing tickets, preventing and helping with accidents in parking areas and assisting with vehicle unlocks and jumpstarts. Assist in providing campus directions and information." (Exhibit 2-A pg. 1)

The PRR indicates Ms. Harp spends the majority of her work time, as follows:

- "60% - General patrols, enforcing institutional rules and regulations, direct and regulate traffic, investigate crimes and accidents, interview and locate witnesses, work with local public and school officials including court appearances and issue tickets for violations of parking rules. Maintain surveillance of areas suspect for criminal activity.
- 35% - General office work, track, enter and file parking citations using database, enter, track and print daily security logs using database also update, edit and write other security guards reports, update and track RSOs, enter and file staff parking permits, update and copy security files and reports, provide end of year statistics, schedule part time security guards. Order needed security and signage materials.
- 2.5% - Safety, remove and store chemicals and bio waste, monthly inspections of fire extinguishers and eyewash stations ensuring they are working properly. . .
- 2.5% - Signage, make and install office, rooms and name plates, block off parking areas for specific events." (Exhibit 2,-A pg 2)

Richard Hamilton, Ms. Harp's supervisor, signed the PRR indicating that he provides close, detailed supervision of Ms. Harp's position. He further listed examples of decisions that Ms. Harp is authorized to make as follows: "Rheba Harp has the authority to issue parking citations, investigate criminal activity, accidents, and make changes to the security schedule without consulting me first. In my absence, Rheba Harp has the authority to make critical decisions during emergency situations to save life or property to the best of her ability until first responders arrive on the scene or a senior administrator." (Exhibit 2-A, pg 6)

Campus Security Officer (class code 385E)

The Definition of the Campus Security Officer states: "*Perform general duty security work to protect life and property; enforce laws and ordinances, maintain order and prevent and investigate crime.*"

The Distinguishing Characteristics state: "*Positions allocated to this class have responsibility for enforcing campus regulations and local, state, and federal laws. Incumbents may be required to successfully complete a law enforcement course approved by the Washington State Criminal Justice Training Commission.*"

Ms. Harp's responsibility to prevent and investigate crimes is limited. For example, before she begins surveillance, she must get authorization from her supervisor or Mr. Wheeler in the Human Resources Office. She is authorized to call the LPD for investigations and arrests. When she observes an infraction of state laws, such as an open alcohol container on campus, she contacts the LPD and they respond to the situation. She does not enforce state and federal laws to the extent anticipated by the Definition of this class. Overall, the Definition and Distinguishing Characteristics of the Campus Security Officer classification entail an independence and authority for law enforcement action that is not authorized in Ms. Harp's position. When considering the overall scope of responsibility and breadth of authority encompassed in the Campus Security Officer class, this class is not the best fit for Ms. Harp's position.

Security Guard 2 (class code 385L)

The Definition of the Security Guard 2 states: "*Provides protection and security to assigned facilities, buildings grounds and their residents, staff and visitors by patrolling, inspecting and securing property. Conducts investigations of non-felony incidents in compliance with local law enforcement agreement. Represents local law enforcement agency in confiscating and storing contraband, locating witnesses, serving subpoenas, responding to off-campus vehicle accidents and writing reports.*"

Ms. Harp does not represent the local law enforcement agency in confiscating and storing contraband, locating witnesses, serving subpoenas, or responding to off-campus vehicle accidents and writing reports as required by the Definition of Security Guard 2 class. Mr. Wheeler has confirmed that Ms. Harp is authorized to contact the LPD for enforcement, investigation and possible arrests.

The areas of responsibilities, the level of supervision received, and the scope of decisions authorized for Ms. Harp as described in the PRR, are not at the level of representing the local law

enforcement agency as intended by the Definition of the Security Guard 2. The Security Guard 2 class is not the best fit for Ms. Harp's position.

Security Guard 1 class code 385K

The Definition states: *"Patrols and inspects buildings and grounds and enforces rules of behavior."*

Ms. Harp works under the close supervision of her supervisor. She provides security patrols on foot and in a battery operated cart. She locks and unlocks building, sets and resets alarms, schedules part-time security personnel and does parking assignments and ticketing. She enforces campus rules and regulations. When necessary, she contacts the LPD for assistance with people who are in violation of laws. She obtains permission from her supervisor before doing surveillance of suspects. She orders materials and uniforms for the Security Office, logs incidents and prepares reports, and assists in emergency situations. The level of Ms. Harp's authority and her responsibilities are encompassed within the Definition of the Security Guard 1 classification. Ms. Harp's position is allocated properly to the Security Guard 1 classification.

**Appeal Rights**

RCW 41.06.170 governs the right to appeal. RCW 41.06.170(4) provides, in relevant part, the following:

An employee incumbent in a position at the time of its allocation or reallocation, or the agency utilizing the position, may appeal the allocation or reallocation to . . . the Washington personnel resources board . . . . Notice of such appeal must be filed in writing within thirty days of the action from which appeal is taken.

The address for the Personnel Resources Board is 2828 Capitol Blvd., P.O. Box 40911, Olympia, Washington, 98504-0911.

If no further action is taken, the Director's determination becomes final.

cc: Rheba Harp  
Nolan Wheeler, LCC  
Don Barber, WFSE

Enclosure: List of Exhibits

### **Exhibit List**

1. Filed by Rheba Harp November 5, 2007:
  - A. PRB appeal form dated November 4, 2007.
  - B. LCC allocation determination memo October 5, 2007.
  
2. Filed by LCC January 3, 2008:
  - A. Dated and signed Position Review Request.
  - B. Dated and signed Position Description Form and Job Description for Security Guard.
  - C. Organizational chart
  - D. Current class specification – Security Guard 1, class code 385K
  - E. Requested class specification – Campus Security Officer, class code 385E
  - F. Results of Classification Review
  - G. Recommended Action of Review
  
3. Filed by employee January 3, 2008:
  - A. Security schedules
  - B. Email requests
  - C. Crime stats
  - D. Work order signage etc.
  - E. Procedures and forms
  
4. Director's Review Investigator
  - A. Security Guard 2, class code 385L